

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GP INTERNATIONAL, LLC,

No. C-11-04690 DMR

Plaintiff,

**ORDER GRANTING IN PART
PLAINTIFF'S EX PARTE
APPLICATION FOR LEAVE TO TAKE
EARLY DISCOVERY**

v.

ROIDSTUDIO, ET AL,

Defendants.

Plaintiff GP International, LLC has filed an *ex parte* application for leave to take immediate discovery prior to the Rule 26 conference. [Docket No. 5.] Having considered Plaintiff's papers and accompanying submissions, the court hereby GRANTS the administrative request in part on the grounds that Plaintiff has demonstrated good cause to take early discovery. *See Semitool, Inc. v. Tokyo Electron Am., Inc.*, 208 F.R.D. 273, 276 (N.D. Cal. 2002). Specifically, Plaintiff has shown that limited discovery of basic identifying information is necessary to permit Plaintiff to effect service on Defendants Roidstudio and Northdroid. *See Columbia Ins. Co. v. seescandy.com*, 185 F.R.D. 573, 577-580 (N.D. Cal. 1999) (identifying safeguards to ensure that a plaintiff is not seeking early discovery to harass or intimidate defendants).

However, at this time, Plaintiff is only granted leave to serve Federal Rule of Civil Procedure 45 subpoenas on third party providers Google, Inc. ("Google") and Amazon.com and/or Amazon Digital Services, Inc. ("Amazon"). If Plaintiff is unable to serve Defendants after reviewing the

records produced by Google and Amazon in response to its subpoenas, Plaintiff shall file a new request to take early discovery setting forth good cause to support its request to serve Rule 45 subpoenas on any financial institutions identified in the records produced by Google and/or Amazon.

Accordingly, it is hereby ORDERED that Plaintiff is allowed to serve immediate discovery on Google and Amazon by serving Rule 45 subpoenas as follows. Plaintiff's subpoenas to Google and Amazon may only request the following information: Defendants' true names, addresses, telephone numbers, and the identity of any financial institutions associated with Defendants. The subpoenas shall include a copy of this Order.

It is further ORDERED that Google and Amazon will have 30 days from the date of service upon them to serve Defendants with a copy of the subpoena and a copy of this Order. Google and Amazon may serve Defendants using any reasonable means, including written notice sent to Defendants' last known address(es), transmitted either by first-class mail or via overnight service. Google, Amazon and Defendants each shall have 30 days from the date of service to file any motions in this court contesting the subpoena (including a motion to quash or modify the subpoena). If that 30-day period lapses without Google, Amazon or Defendants contesting the subpoena, Google and Amazon shall have 10 days to produce to Plaintiff the information responsive to the subpoena.

It is further ORDERED that Google and Amazon shall preserve all subpoenaed information pending their delivering such information to Plaintiff or the final resolution of a timely filed and granted motion to quash the subpoena with respect to such information.

It is further ORDERED that Plaintiff may use any information disclosed in response to a subpoena solely to protect its rights under the Copyright Act, 17 U.S.C. § 101 *et seq.*

IT IS SO ORDERED.

Dated: November 16, 2011

